

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
MAY 17, 1961

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 p.m. of Wednesday, May 17, 1961. Councilmen Brown, Katzakian, Mitchell, Ullmann and Culbertson (Mayor) present; none absent.

Also present: City Manager Graves, Admin. Asst. Carlton, Planning Director Rodgers and City Attorney Mullen.

MINUTES Minutes of May 3, 1961 were approved as written and mailed on motion of Councilman Katzakian, Brown second.

PUBLIC HEARINGS

ANNEX
MAYER ADDN.
ORD. NO. 694
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Culbertson called for public hearing on the proposed annexation of the Mayer Addition. There were no protests, written or oral. On motion of Councilman Brown, Mitchell second, the City Council introduced Ordinance No. 694 by reading of title only and waiving the reading of the ordinance in full, annexing the Mayer Addition to the City of Lodi.

FLAHERTY
USE PERMIT

Mr. Ralph Christianson, 38 Wellington Way, spoke on behalf of himself and Dr. Donald Brown as co-owners of the property at 1004 South Cherokee Lane for which a use permit for a body and fender shop had been granted by the Planning Commission. Mr. Christianson stated that because an appeal had been filed with the Council on the decision of the Planning Commission the prospective lessees had changed their minds about leasing the property as they did not want their neighbors against them. He felt that he and Dr. Brown were being unfairly treated for the following reasons: They had bought this property with the understanding that it had C-2 zoning subject to a use permit for certain businesses; they had facilities which previously had been used as a sheet metal shop and were now being penalized by adjoining property owners who had nothing more than plans for their property; these adjoining property owners should have been aware of the use made of the Christianson and Brown property in the past when they purchased the adjoining property and should not have the right to appeal to the Council for a change in the Planning Commission's decision. Mr. Christianson and Dr. Brown were informed that the Planning Commission had granted the use permit so had not prevented the leasing of the property and that the ability to appeal was a part of the constitutional process and a requirement of the State Planning Act.

PLANNING COMMISSION

BARBERA AND
FORD REQUESTS
FOR C-S ZONING

City Manager Graves read the report from the Planning Commission recommending the rezoning of the Edward Barbera property from R-1 family residential and C-1 neighborhood commercial to the C-S commercial shopping zone. This property consists of a ten-acre parcel located along the south side of Kettleman Lane between West Lane and Church Street. Approval by the Planning

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Commission was based on development in accordance with the plot plan of the proposed shopping center which was modified to eliminate the second service station and to provide screening along the street frontages of the development except where directly across the street from commercial development. On motion of Councilman Brown, Mitchell second, the matter was set for public hearing on June 7, 1961. Mr. Graves then read the recommendation of the Planning Commission that approval be granted to the request of Mr. William Ford for a change of zoning from the R-1 family residential to the C-3 commercial shopping zone for a 14.2-acre parcel located along the north side of Kettleman Lane between Ham Lane and Fairmont Avenue. Approval was based upon development in accordance with the plot plan of the proposed shopping center which was submitted by the developer, with the stipulation that the department store with a 30,000 square foot minimum floor area be constructed in the first stage of development. Councilman Brown moved that his original motion setting the public hearing on the Barbera rezoning request be rescinded and that both the Barbera rezoning request and the Ford rezoning request be set for public hearing on July 5, 1961, so as to have the hearings on the same night in fairness to both applicants and in order that Planning Director Rodgers may be present. (He will be vacationing June 7.) The motion was seconded by Councilman Mitchell and carried.

PC ACTIONS

Mr. Graves then reported the following actions taken by the Planning Commission:

1. Denied the request of Mr. Howard Mason for a change of zoning from the R-1 one-family residential zone to the R-3 limited multiple family residential zone for property located along the north side of Turner Road immediately east of Edgewood Drive (Lots 1 - 6, Willow Glen Subdivision).
2. Approved the request of Mr. Don Flaherty for a use permit to operate a body and fender shop at 1004 South Cherokee Lane in the C-2 general commercial zone. This permit was made subject to several conditions which would reduce the adverse effect of the business on nearby properties.

COMMUNICATIONS

FLAHERTY USE PERMIT APPEALED

Letter from Wendell R. Davis, Fern M. Davis, and Gordon L. Davis appealing the decision of the Planning Commission granting a use permit to Flaherty Bros. to operate a body and fender shop at 1004 South Cherokee Lane which is adjacent to the property owned by the above mentioned people. In view of the statement made earlier in the meeting by Mr. Christianson that Flaherty Bros. were withdrawing their request for a use permit since they had changed their minds about leasing this property, the Council postponed action on the appeal until the next regular meeting.

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DR. ROGET
FALL-OUT
SHELTER

Letter from Dr. Gordon B. Roget requesting permission to complete the construction of a fall-out shelter for which a hole has been dug and concrete floor poured. He had started construction without a building permit since he was not aware that a permit would be required for such a structure. According to Chief Building Inspector Paul McClure, who was in the audience, the hole is five or six feet within the easement and water pipe has been exposed by the excavation. Members of the Council felt that the building of a shelter was a worthy project, but that Dr. Roget should conform to the City's policy of not permitting structures within easements and to the City's building requirements, and on motion of Councilman Mitchell, Katzakian second, the request for an encroachment into the easement was denied.

SCHOOL BOARD
RE SWIMMING
POOL AT
WEST CAMPUS

Letter from the school board of the Lodi Union High School District informing the Council that the school board is interested in constructing a swimming pool at the West Campus of the high school in cooperation with the City providing that the school district pay one-half of the cost not to exceed \$35,000.00. Declaring that the Council had already expressed its willingness to cooperate with the school board in constructing a swimming pool at West Campus, Councilman Mitchell moved that the offer of the school board be referred to the Recreation Commission and the Department of Public Works to investigate and report on requirements for such a project. Motion was seconded by Councilman Ullman and carried.

ABC LICENSE

Notice of application for Alcoholic Beverage License, On Sale Beer, for Maria and Masami Shimose, Main Hotel Club, 8 S. Main Street.

MELBER AYERS
RESIGNS
FROM P.C.

Mayor Culbertson read a letter he had received from Melber Ayers resigning from the Planning Commission effective May 8th. Mr. Ayer's resignation was due to his moving away from Lodi. Councilman Katzakian moved that a letter accepting the resignation with regrets and expressing the City's appreciation for his service on the Planning Commission be sent to Mr. Ayers. Councilman Brown seconded the motion which passed unanimously.

MAYOR OF KOFU
TO VISIT LODI
RES. NO. 2445
ADOPTED

Mayor Culbertson then read a letter which he had received from the Mayor of Kofu accepting Lodi's offer of sister-city relationship and stating that he would be coming to the United States and would be visiting Lodi for three days after arriving in San Francisco on May 28. Mayor Culbertson appointed the following citizens committee to make arrangements for housing and entertaining our distinguished guest: George Creighton, Chairman; Fred Weybret, Roy Miura, H. Lawson Smith, Fred M. Brown, Bill Lange and Frank Carlton. On motion of Councilman Brown, Mitchell second, the Council adopted Resolution No. 2445 welcoming the Mayor of Kofu and calling on the citizens of Lodi to join in the welcome.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$130,127.65 were approved on motion of Councilman Katzakian, Brown second.

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SPECS
CONCRETE PIPE Specifications for concrete pipe which it is anticipated will be required for the next six months were approved and advertising for bids authorized on motion of Councilman Brown, Mitchell second.

GAS TAX FUNDS The project statement for gas tax funds for the 1961-62 fiscal year was presented for approval.

RES. NO. 2446 \$40,000 has been budgeted for Lodi Avenue, \$2,000 of which is for right of way. (The Lodi Avenue project will cost around \$100,000 and is not expected to be done this coming year.) The amount of \$5,785 has been budgeted for engineering funds and \$20,000 for street maintenance. On motion of Councilman Katzakian, Brown second, the Council adopted Resolution No. 2446 adopting and submitting a budget for expenditure of funds allocated to the Division of Highways from the State Highway Fund.

ADOPTED

CIVIC CENTER The City Manager stated that Mrs. Martha Dickhoff had offered to sell her property at 220 West Elm Street to the City for a total of \$35,740 buildings which included the cost of the land, and furnish-ings, and that the executrix of the estate of Adolph Krumb was offering the parcel at 212 West Elm Street to the City for \$14,800, including land, buildings and furnishings. On motion of Councilman Katzakian, Mitchell second, the Council approved purchasing both parcels for the amounts requested and authorized the City Manager to sign the agreement on the Krumb property.

ACQUISITION

COMPLAINANTS Mayor Culbertson stated that several property owners who felt they had a grievance had contacted him regarding the City's acquisition of right of way on Lockeford Street and he had informed them they should come before the Council to state their case. Stanley D. Kirst, Dr. Thomas Carleton and Jefferson Davis were present to express their views. Mr. Kirst addressed the Council, explaining that he wished to get the highest use out of his property without injuring the City, but he felt that the City's offer of 78¢ per square foot was inadequate and that he should receive severance damage because he would be losing 14 feet of frontage at the tip of his property where the railroad crossed Pleasant Avenue. He said he had intended to use this point of land for a sign. He said he had received an offer of \$326.04 which would be 91¢ per square foot if there was no severance damage. He felt this was unfair to other property owners who would be getting less. Dr. Thomas Carleton said he had been offered 78¢ per square foot for his 5½-foot strip which he considered adequate but his complaint was that the City had offered him only \$150 for a rental building for which he felt he should receive damages of \$545. Mr. Davis said he had been offered 72¢ per square foot which he was not willing to accept since he felt it was too low for the value of his commercial property on the southwest corner of Pleasant and Lockeford. He compared it with other commercial property on Lockeford Street.

RE LOCKEFORD

ST R/ W City Manager Davies stated that the City's concern was to determine a fair price, legally and actually. The City was obligated to treat both the property owners and the taxpayers fairly.

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He stated that after talking with appraisers he had offered Dr. Carleton 78¢ per square foot and that he could not offer Dr. Carleton severance damage for his rented cabin since the Building Inspector had told him the cabin did not comply with the State Health and Safety Code and would have been condemned several years ago if Dr. Carleton had not told him he intended to remove the building voluntarily. Therefore the City Manager had offered \$150 as nuisance value for removal of the cabin. Mr. Graves also stated that Mr. Kirst had asked \$750 for his parcel which amount could not be justified. He also stated the \$326 offered Mr. Kirst included severance damage for the loss of front footage which accounted for the amount over 78¢ a square foot.

City Attorney Mullen suggested that the property owners quote the amount they wished to receive and they then gave the following figures:

Stanley Kirst, roughly \$576.00
Jefferson Davis, \$825.00
Dr. Thomas Carleton, \$1,620.00

Members of the Council felt that the administration had received competent appraisals of the properties involved, that a fair price had been offered, and that since the City's offers were not acceptable, the City Attorney should continue the condemnation proceedings.

CHEROKEE LANE
RESURFACING
& STRIPING

City Manager Graves stated that before turning Cherokee Lane over to the City (after the Bypass is completed) the State Division of Highways would resurface and restripe it and had submitted plans thereof for the City's approval. The Director of Public Works had recommended that the plans be approved with the addition of left-turn pockets for south-bound traffic at Lodi Avenue and Vine Street. On motion of Councilman Katzakian, Brown second, the Council approved the plans with the modifications recommended by the Director of Public Works.

OUTSIDE WATER
SERVICE
UNITED VINTNERS

Mr. Graves reported that United Vintners was asking for water service for the dwelling and office at the Shewan-Jones plant which is no longer being used for grape processing. This is outside the City Limits. The City Manager stated that the City's policy relating to services outside the City Limits was developed to encourage annexations at a time when it became apparent that granting of municipal services did in effect discourage orderly annexation. He expressed the opinion that, since the request for water was limited to service to the caretaker's house and the former office building which is leased to a church, there is little likelihood that any prospective annexation of the entire property would be affected by service as requested to a small portion of the total property as long as it was clearly understood that the service could not be extended. After observing that United Vintners had been most cooperative in granting right-of-way for the Turner Road Underpass project, the City Council on motion of Councilman Mitchell,

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Brown second, voted to approve the granting of water service to the caretaker's home and the former office (now occupied by a church) with the understanding that the service is restricted to present uses and any change in use of either facility will require review of this grant, and with further provision that all costs of extension will be borne by United Vintners.


STREET WORK

The City Manager informed the Council that he had approved surfacing of Holly Drive ~~East~~ of Ham Lane and the base construction of Mills Avenue from Capell Drive to Lodi Avenue since the costs thereof would be taken care of by underruns in other street projects and the crews have the time to do the work. 89

PEDESTRIAN
USE OF
HIGHWAY
BRIDGES

In answer to his letter to the Division of Highways concerning pedestrian use of the 99 Highway bridges crossing the Mokelumne River, Mr. Graves reported that the Division of Highways had notified him that they had conducted a study of pedestrian use of the bridges and found it to be negligible. Present use of the bridges by pedestrians and cyclists does not warrant construction of separate pedestrian facilities, and the hazards of walking or cycling along the bridges, especially in darkness, are considered too great to end the present legal restriction. However, the pedestrian situation at the bridges will be subject to review by the Division of Highways as future development of the area takes place.

There being no further business, the Council adjourned.


ATTEST: BEATRICE GARIBALDI
City Clerk